

PRE-APPEAL BRIEF REQUEST FOR REVIEW

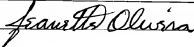
Docket Number (Optional)

022263-000410US

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on September 20, 2007

Signature



Typed or printed

name Jeanette Olivera

Application Number

10/807,042

Filed

March 22, 2004

First Named Inventor

Malone, Lawrence J.

Art Unit

2618

Examiner

Blane J. Jackson

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

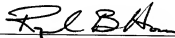
☒

attorney or agent of record.

Registration number 44,773☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____



Signature

Raymond B. Horn Reg. No. 44,773

Typed or printed name

858-350-6100

Telephone number

September 20, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

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PATENT
Docket No.: 022263-000410US

TOWNSEND and TOWNSEND and CREW LLP

By: Jeanette Olivera
Jeanette Olivera

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Lawrence J. Malone, et al.

Application No.: 10/807,042

Filed: March 22, 2004

For: MULTI-MODE WIRELESS
BRIDGE SYSTEM AND METHOD
USING A SINGLE-RADIO
TRANSCEIVER

Confirmation No.: 4076

Examiner: Blaine J. Jackson

Art Unit: 2618

PRE-APPEAL BRIEF REQUEST FOR
REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants respectfully request review of the final rejection mailed by the Office for the above-referenced application on March 20, 2007 ("the Final Office Action"). Appellants believe the rejections contain clear factual deficiencies and do not properly set forth a *prima facie* rejection.

A Notice of Appeal is being filed concurrently herewith. This Request for Review is pursued for the reasons given below.

Status of Claims

Claims 1, 3, 5, 7-8, 10, 12-13, 16-17, 20, and 22-26 remain pending in the application. Applicant respectfully requests entry of the amendments submitted in the Response After Final Office Action, submitted July 20, 2007 because the amendments

are believed to place the application in condition for allowance or otherwise place the claims in better form for consideration on appeal.

Claims 1, 3, 5, 7-8, 10, 12, 13, 16, 17, 20, 22, 23, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application No. 2004/0203709 to Luneau (hereinafter Luneau) in view of U.S. Patent No. 7,151,925 to Ting et al. (hereinafter Ting).

Review Requested for the Following Reasons

The Examiner indicated Allowable Subject Matter in the Office Action, dated March 20, 2007. *See, final Office Action*, dated March 20, 2007 at page 8. In particular, claims 11, 15, 21, 24 and 26 were objected to as being dependent upon a rejected base claim, but would be otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See, final Office Action*, dated March 20, 2007 at page 8.

Applicant amended the claims to allowable format by incorporating the features of the objected to dependent claim into its base independent claim or by incorporating the features of the independent claim into the objected to dependent claim. *See, Response After Final*, dated July 20, 2007.

Claim 1 was amended to include all of the features of dependent claim 15. Claim 15 was canceled. There were no intervening claims. Therefore, Claim 1 is believed to be allowable as including all of the features of objected to claim 15 and the base claim from which it depends. Applicant respectfully requests allowance of claim 1.

Claims 3, 5, 7-8, 10, 12-13, and 16 depend, either directly or indirectly from claim 1 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests allowance of claims 3, 5, 7-8, 10, 12-13, and 16.

Claim 11 is amended to include all of the features of independent claim 1 from which it depends. There were no intervening claims. Thus, claim 11 is believed to be allowable. Applicant respectfully requests allowance of claim 11.

Claim 20 is believed to be allowable at least for the reason that the cited references, whether alone or in combination, fail to teach or suggest every claimed feature. The Examiner indicates that claim 21 is objected to as dependent from rejected base claim 20, but otherwise allowable. *See, final Office Action*, at pages 8-9. Applicant notes that Applicant previously amended claim 20 to include all of the features of claim 21 and canceled claim 21. *See, Response*, dated December 11, 2006.

Additionally, the cited references, whether alone or in combination, fail to teach or suggest every claimed feature. The Examiner concedes that Luneau fails to teach or suggest “the baseband processor is further configured to configure the single transceiver for operation according to the first communication standard prior to the first time period and configure the single transceiver for operation according to the second communication standard prior to the second time period.” *See, final Office Action*, at pages 8-9.

The Examiner does not argue that Ting teaches or suggests the claimed feature that is absent from Luneau and does not cite to any portion of Ting that allegedly teaches or suggests the claimed feature. Thus, Ting fails to provide any teaching or suggestion that compensates for the deficiencies in Luneau, and combining Luneau with Ting fails to alleviate the deficiencies of each reference individually. Applicant respectfully requests reconsideration and allowance of claim 20.

Claims 22-26 depend from claim 20 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 22-26.

CONCLUSION

In view of the foregoing, Appellants believe all claims now pending in this Application are in condition for allowance. Specifically, claims 1, 3, 5, 7-8, 10, 12-13, 16-17, 20, and 22-26 are allowable for at least the reasons cited above. Reconsideration is respectfully requested. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (858) 350-6100.

Respectfully submitted,



Raymond B. Hom
Reg. No. 44,773

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
RBH:jo
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